

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RICHARD GROTTTS,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
COMMISSIONER OF
SOCIAL SECURITY,**

Defendant.

No. 08-CV-49-DRH

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

On January 25, 2008, Richard Grotts filed a complaint against the Commissioner of Social Security for judicial review of an administrative agency's decision. (Doc. 2.) Specifically, pursuant to **42 U.S.C. § 405(g)** and **1383(c)**, Grotts seeks judicial review of the Commissioner's decision to deny Grotts' claim for benefits under the Social Security Act. Now before the Court is Grotts' motion to proceed *in forma pauperis* (Doc. 3). Because the Court finds that Grotts is indigent, the Court grants the motion.

By granting a motion for pauper status, a court authorizes a lawsuit to proceed without prepayment of fees. For many years, federal district courts granted such motions if the movant was indigent and the complaint was neither frivolous nor malicious. **28 U.S.C. § 1915.** The Prison Litigation Reform Act ("PLRA"),

significantly changed the district court's responsibilities in reviewing *pro se* complaints and *in forma pauperis* motions. The Seventh Circuit has clarified that the PLRA "changed § 1915 not only for cases brought by prisoners, but in some respect for all indigent litigants." ***Hutchinson v. Spink*, 126 F.3d 895, 899 (7th Cir. 1997)**. Under the PLRA, the Court must screen any indigent's complaint (those filed by prisoners and non-prisoners alike) and dismiss the complaint if (a) the allegation of poverty is untrue, (b) the action is frivolous or malicious, (c) the action fails to state a claim upon which can be granted, or (d) the action seeks monetary relief against a defendant who is immune from such relief. **28 U.S.C. § 1915(e)(2)**.

Grotts' motion survives **§ 1915(e)(2)** review. Grotts furnished an application to proceed *in forma pauperis* documenting his poverty. The action appears to be neither frivolous nor malicious. At this point, the Court cannot conclude that the complaint fails to state a claim or that the named defendant is immune from suit. Accordingly, the Court **GRANTS** Grotts' application to proceed *in forma pauperis*. (Doc. 3.)

IT IS SO ORDERED.

Signed this 25th day of February, 2008.

/s/ David R. Herndon

**Chief Judge
United States District Court**